IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.501 OF 2005

Ravalnath Vividh Karyakari
Sahakari Seva Sanstha Ltd. .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION NO.3507 OF 2005

Bhaveshwari Vividh Karyakari
Sahakari Seva Sanstha Ltd. .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.G.N.Salunke for petitioners
Mr.Solkar, A.G.P. for respondent Nos.1 to 3 and 5 and 6
Dr.V.K.Choudhary for respondent No.4.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th February 2006.

P.C.

. Heard Mr.Salunke for petitioner and

Mr.Solkar, A.G.P. for respondent Nos. 1 to 3, 5 and 6 as also Dr.Choudhary for respondent No.4.

2. By these petitions under Articles 226 and 227 of Constitution of India the proposed society challenges an order passed by the Divisional Joint Registrar which stands confirmed by the Minister of Cooperation, Government of Maharashtra accepting proposal of respondent No.4 society.

3. Petitioner submitted a proposal for registration of its society viz., Vividh Karyakari Sahakari Seva Sanstha. It was their case that they had support of 166 persons having agricultural lands in its area of operation. It was its case that it is viable and, therefore, it should be registered and permitted to function as a village level credit society. When this proposal was under consideration before Assistant Registrar, there was a proposal also by

respondent No.4 pending and the Assistant Registrar disallowed both. Aggrieved by the order of the Assistant Registrar, matter was carried before Divisional Joint Registrar and he allowed proposal of respondent No.4 while rejecting that of petitioner herein.

4. Initially, it appears that the matter was brought before this Court and an order remitting the matter back to the Divisional Joint Registrar, was passed by this Court. Once again the Divisional Joint Registrar confirmed the proposal of respondent No.4 and rejected that of petitioner herein. This order of Divisional Joint Registrar has been confirmed in further proceedings by the Minister.

5. The grievance raised by Mr.Salunke is that there is an error apparent on the face of record inasmuch as, the Divisional Joint Registrar and the Minister have held that

petitioner had no material to support its case. No evidence is produced to substantiate the statement that it enjoys support of 166 persons. He submits that this finding is patently erroneous and is perverse as well. He submits that there is enough material which was produced but which has not been adverted to by the authorities.

6. The orders under challenge are supported by Dr.Choudhary appearing for respondent No.4 and invites my attention to the affidavit which has been placed on record.

7. In my view, this is a matter which is essentially left to the authorities. As to which proposal is viable economically and deserve acceptance is something which much be decided by the authorities in charge of registration of Cooperative Societies. Of course, they have to adhere to the norms and guidelines issued in that

behalf and also hear affected persons. An opportunity must be given to substantiate all pleas so that the cooperative movement grows in a healthy manner in the State and competition which is not in the interest of movement but encourages unhealthy practice, is discouraged.

8. Mr.Salunke’s submission is that at village level, rival political groups strive hard and manage to muster support and thereafter approach authorities for registration and acceptance of the proposals. These authorities are to a great extent influence by the political consideration.

9. The submissions as are made before me and allegations in the petition of malafides are not substantiated at all. However, Mr.Salunke contends that the members of the petitioner cannot suffer and they cannot be compelled to be a part of a society to which acess and approach

is inconvenient for them. He also contends that some of the members of respondent No.4 society are not eligible and qualified. These contentions are denied and there is no rejoinder to the affidavit placed before me. However, it is not for this Court to consider this aspect. It is for the authorities exercising powers under the Cooperative Societies Act, who should be approached with all such grievances.

10. Therefore, interest of justice would be subserved by directing Assistant Registrar concerned to consider the proposal which would be submitted by the petitioner society for registration on its own merits and in accordance with law and after giving an opportunity to respondent No.4 society. The Assistant Registrar to scrutinise the proposal on merits and in the light of the guidelines and norms prescribed as well as provisions of the MCS Act and rules in question. He shall not be influenced by the fact

that respondent No.4 society is already registered and its proposal having been accepted through out, the present arrangement need not be disturbed. Petition disposed off.

(S.C.DHARMADHIKARI, J)